



MEMORANDUM

To: Members and Staff, Subcommittee on Oversight and Investigations

From: Majority Committee Staff

Re: Hearing on “Looking Back Before Moving Forward: Assessing CDC's Failures in Fulfilling its Mission”

On Wednesday, June 7, 2023, at 10:30 a.m. (ET) in 2322 Rayburn House Office Building, the Subcommittee on Oversight and Investigations will hold a hearing entitled “Looking Back Before Moving Forward: Assessing CDC's Failures in Fulfilling its Mission.”

I. WITNESSES

- Charity Dean, MD, MPH & TM, CEO & Founder, The Public Health Company
- Mary Denigan-Macauley, PhD, Director of Public Health, U.S. Government Accountability Office
- Tracy Beth Høeg, MD, PhD, Epidemiologist, Department of Epidemiology & Biostatistics, University of California—San Francisco
- Georges C. Benjamin, MD, Executive Director, American Public Health Association

II. OVERVIEW

The Centers for Disease Control and Prevention (CDC) play a central role in responding to any large-scale public health crisis. Despite investing significant resources into the agency’s public health programs, the CDC has a history of costly errors and failures, which have endangered the public’s health. Although CDC leadership has repeatedly promised to learn from past mistakes and to implement organizational reform, the agency’s handling of the COVID-19 pandemic and monkeypox outbreak has cast serious doubt on the CDC’s ability to self-reform. In response to its failures during the COVID-19 pandemic, the CDC announced a major structural reform, titled *Moving Forward Initiative*. However, very little information about the initiative has been provided to Congress or the public. In the absence of transparency from the CDC, the Subcommittee on Oversight and Investigations is holding this hearing to gain an independent understanding of the CDC’s past failures and identify how the agency needs to move forward.

III. BACKGROUND

The CDC is the federal health agency, within the Department for Health and Human Services (HHS), responsible for protecting the health of over 300 million Americans. Its mission is to “to protect America from health, safety and security threats, both foreign and in the U.S.”¹

The CDC employs over 21,000 full-time employees and contractors across all 50 states and in over 50 countries.² In addition to its headquarters in Atlanta, the organization has ten additional locations in the U.S.³ In Fiscal Year (FY) 2023, the agency received over \$9 billion towards its core public health program level, which funds most of the agency’s main public health program.⁴ This represents a \$787 million (+9.3%) increase from its FY 2022 funding level.⁵

Despite being the beneficiary of significant financial and non-financial resources, the CDC has often been criticized for its handling of public health crises, most recently the COVID-19 pandemic and monkeypox outbreak. However, foundational problems at the CDC date go back for much longer.

In June 2014, the CDC drew Congressional ire after previously unreported breaches in CDC lab safety protocol came to light. The agency was criticized for neglecting the oversight of dangerous pathogenic research conducted at its laboratories, which likely exposed over 80 laboratory workers to live anthrax bacteria that the agency believed was inactive.⁶ Federal inspections at CDC’s headquarters in Atlanta revealed “unauthorized access to labs and improperly documenting entries and exits, posing risks to biosecurity, or the theft of potentially lethal microbes,” as well as “equipment failures, an inability to document staff training and missing signatures on required biosafety plans.”⁷

The agency’s reputation was again tarnished when in July 2014—only a month after the anthrax scare—another lab accident resulted in the contamination of a benign flu sample with a the deadly H5N1 bird flu strain that had the potential to kill both CDC workers and the public.⁸ A Congressional hearing before this Committee that same month revealed the agency’s lab

¹ CDC, *About CDC: Organization*, <https://www.cdc.gov/about/organization/cio.htm>.

² *What is the CDC and What Does It Do?*, Atlanta Journal-Constitution (Feb. 26, 2020), <https://www.ajc.com/news/national/what-the-cdc-and-what-does/UIBH7SvtNyY0fk5iNc6BLO/>.

³ *Id.*

⁴ Kavya Sekar, Cong. Research Serv., Centers for Disease Control and Prevention (CDC) Funding Overview (2023), <https://www.crs.gov/Reports/R47207>.

⁵ *Id.*

⁶ David Morgan, *U.S. Lawmakers Press CDC Chief Over ‘Dangerous Pattern’ of Lapses*, Reuters (July 16, 2014), <https://www.reuters.com/article/us-usa-anthrax/u-s-lawmakers-press-cdc-chief-over-dangerous-pattern-of-lapses-idUSKBN0FL1RU20140716>.

⁷ *Id.*

⁸ Donald G. McNeil Jr., *C.D.C. Closes Anthrax and Flu Labs After Accidents*, N. Y. Times (July 11, 2014), <https://www.nytimes.com/2014/07/12/science/cdc-closes-anthrax-and-flu-labs-after-accidents.html>.

accidents went back as early as 2006 in “a pattern of recurring issues, of complacency, and a lax culture of safety.”⁹

In the fall of 2014, the CDC was heavily scrutinized for its slow response to the Ebola outbreak when the agency and hospitals across the country appeared unprepared after the virus emerged on U.S. soil. Healthcare professionals at a Texas hospital where an infected individual was admitted did not wear necessary personal protective gear from the outset exposing hospital personnel to the virus.¹⁰ Two nurses who cared for the patient were diagnosed with the disease. However, one nurse received an “all-clear” from the CDC to travel on a commercial flight *after* she consulted a CDC official about her fever, further endangering the public.¹¹ In addition to confusing official messages on viral transmission and safety, the CDC Director’s statements were criticized for “go[ing] beyond available scientific data,” further fueling public mistrust and fear.¹² The appointment of a lawyer to oversee the Ebola response, instead of an infectious disease or public health professional, suggests that the CDC lost the confidence of the Obama Administration but ultimately did little to help resolve problems in the response.¹³

In 2016, senior CDC officials sidelined an effective test for the Zika virus, “and instead directed public health laboratories nationwide to use a more complicated test that failed about one-third of the time.”¹⁴ The agency “pressured the public health labs to shelve the effective tests and to use less reliable kits manufactured by the agency.”¹⁵ The CDC took over a year to change course. Unfortunately, the agency failed to learn from its mistakes, and in 2020, botched its roll-out of COVID-19 test kits, which became contaminated during manufacturing, and caused false-positive results at 24 of 26 labs that used the tests, setting back national efforts to curtail viral spread.¹⁶

Aside from failed test kits, the COVID-19 pandemic revealed the CDC was unprepared to respond to a public health emergency of that magnitude. The agency has long been criticized for being “too academic and insular,” with a heavy focus on data collection and analysis coupled

⁹ *Review of CDC Anthrax Lab Incident: Hearing Before the Subcomm. on Oversight & Investigations of the H. Comm. on Energy & Comm., 113th Cong.* (2014) (statement of Tim Murphy, Congressman from Pennsylvania), <https://www.govinfo.gov/content/pkg/CHRG-113hhrg92323/pdf/CHRG-113hhrg92323.pdf>.

¹⁰ Arielle Duhaime-Ross, *Dallas Hospital Workers Went Two Days Without Face Protection While Caring for Ebola Patient*, *The Verge* (Oct. 15, 2014), <https://www.theverge.com/2014/10/15/6984737/hospital-workers-went-two-days-without-face-protection-Ebola-patient-Dallas>.

¹¹ Sharon Begley, *U.S. Health Agency Chief Faulted over Confusing Ebola Messages*, *Reuters* (Oct. 17, 2014), <https://www.reuters.com/article/us-health-ebola-usa-message-analysis/u-s-health-agency-chief-faulted-over-confusing-ebola-messages-idUSKCN0I62DU20141017>.

¹² *Id.*

¹³ Juliet Eilperin, *Obama Appoints Lawyer to Handle Ebola Response*, *Washington Post* (Oct. 17, 2014), https://www.washingtonpost.com/politics/obama-appoints-lawyer-to-handle-ebola-response/2014/10/17/17534e04-561b-11e4-809b-8cc0a295c773_story.html.

¹⁴ David Willman, *Lessons Unlearned: Four Years Before the CDC Fumbled Coronavirus Testing, the Agency Made Some of the Same Mistakes with Zika*, *Washington Post* (July 4, 2020), https://www.washingtonpost.com/investigations/lessons-unlearned-four-years-before-the-cdc-fumbled-coronavirus-testing-the-agency-made-some-of-the-same-mistakes-with-zika/2020/07/03/c32ca530-a8af-11ea-94d2-d7bc43b26bf9_story.html.

¹⁵ *Id.*

¹⁶ *Id.*

with an inability to quickly pivot and respond to emerging public health threats.¹⁷ Mixed and constantly changing messaging on the use of masks,¹⁸ social distancing,¹⁹ vaccinations,²⁰ as well as a heavy-handed approach to curbing viral spread in children through prolonged school closures and masking young children against scientific evidence,²¹ are among the CDC's most damaging failures.

In 2022, as the monkeypox virus emerged, “officials struggled to meet growing demand for testing, vaccines and treatments,” in part because the CDC was slow to recognize how aggressively the virus was spreading.²² According to the *Washington Post*, CDC leaders “began to fret that staff were spending so much time preparing for meetings that it was harder to focus on figuring out who was getting infected and how they were exposed.”²³

Acknowledging the agency's failures in its responses to both the COVID-19 pandemic and the monkeypox outbreak, outgoing CDC Director Rochelle Walensky called for a major overhaul or “reset” of the agency, titled the *Moving Forward Initiative*. However, CDC has conducted the *Moving Forward Initiative* largely in secret, with little opportunity for public or Congressional input.²⁴ The agency has not disclosed details on the interviews it conducted or even the names of external stakeholders consulted as part of the restructuring. To date, the CDC has made public only two short summaries of the reviews' findings, totaling eight pages.

Beyond structural changes, the findings of *Moving Forward Initiative* are being used to support CDC's requests to Congress for additional authority to, among other things, mandate data reporting from state, local, territorial, and tribal (SLTT) public health agencies.²⁵ This authority would dramatically change the nature of CDC's relationship with its SLTT partners from one based on the principles of cooperative federalism to one where CDC can compel SLTT agencies to hand over individualized public health data. To date, CDC has not articulated any

¹⁷ Sharon LaFraniere & Noah Weiland, *Walensky, Citing Botched Pandemic Response, Calls for C.D.C. Reorganization*, N. Y. Times (Aug. 17, 2022), <https://www.nytimes.com/2022/08/17/us/politics/cdc-rochelle-walensky-covid.html>.

¹⁸ Edward Segal, *New Mixed Messages About Mask Mandates Are Creating Confusion and Doubt. Again.*, Forbes (Feb. 9, 2022), <https://www.forbes.com/sites/edwardsegal/2022/02/09/new-mixed-messages-about-mask-mandates-are-creating-confusion-and-doubt-again/?sh=1393e5f56a17>.

¹⁹ Julia Ries, *Confused by The CDC's New COVID Isolation Rules? Here's A Clear Guide.*, Huffington Post (Jan. 7, 2022), https://www.huffpost.com/entry/cdc-covid-isolation-rules_1_61d72ec0e4b0c7d8b8ad26c2.

²⁰ Kerrington Powell & Vinay Prasad, *The Noble Lies of COVID-19*, Slate (July 28, 2021), <https://slate.com/technology/2021/07/noble-lies-covid-fauci-cdc-masks.html>.

²¹ Nason Maani & Sandro Galea, *Science and Society Are Failing Children in the COVID Era*, Scientific American (Mar. 3, 2021), <https://www.scientificamerican.com/article/science-and-society-are-failing-children-in-the-covid-era/>; Margery Smelkinson et al., *The Case Against Masks at School*, Atlantic (Jan. 26, 2022), <https://www.theatlantic.com/ideas/archive/2022/01/kids-masks-schools-weak-science/621133/>.

²² Dan Diamond et al., *Inside America's Monkeypox Crisis — And the Mistakes That Made It Worse*, Washington Post (Aug. 17, 2022), <https://www.washingtonpost.com/health/2022/08/17/monkeypox-biden-vaccine-testing-mistakes/>.

²³ *Id.*

²⁴ CDC, Notice of Meeting and Request for Comment: Advisory Committee to the Director, 87 F.R. 62105-62106 (Oct. 13, 2022).

²⁵ CDC, CDC Moving Forward Summary Report (2022), <https://www.cdc.gov/about/organization/cdc-moving-forward-summary-report.html>.

restrictions on how it would exercise the requested data authority. CDC’s past data collection practices suggest the agency would use such authority on matters totally outside of its core mission.²⁶ To restore public trust and implement effective reforms, the agency must be more forthcoming to this Committee, Congress, and the American people.

IV. KEY QUESTIONS

The hearing may include discussion around the following key questions:

- Why have CDC’s past public health responses failed?
- What organizational and administrative challenges does the CDC currently face in fulfilling its core mission to protect the public health of the nation?
- What kinds of structural reforms would enable the CDC to return to its core mission?
- How can Congress support the agency’s efforts for reform whilst protecting Constitutional liberties and preventing federal overreach?

V. STAFF CONTACTS

If you have any questions regarding the hearing, please contact John Strom or Joanne Thomas of the Subcommittee on Oversight and Investigations Majority staff at (202) 225-3641.

²⁶ Theo Wayt, *CDC Brought Cellphone Data to Track Vaccination, Lockdown Compliance: Report*, N. Y. Post (May 4, 2022), <https://nypost.com/2022/05/04/cdc-bought-cell-phone-data-to-track-lockdowns-vaccination-docs/>; see also Joseph Cox, *CDC Tracked Millions of Phones to See if Americans Followed COVID Lockdown Orders*, Vice (May 3, 2022), <https://www.vice.com/en/article/m7vymn/cdc-tracked-phones-location-data-curfews>; Off. of Info. & Regul. Affairs, Off. of Mgmt. & Budget, Exec. Off. of the Pres., Information Collection Search Results: CDC, <https://www.reginfo.gov/public/do/PRASearch> (last visited Apr. 19, 2023) (on file with Committee) (Since January 1, 2020 to the present, CDC has submitted 258 unique requests for information collection from the public to the OMB for approval, continuation, or modification).